

AMENDING THE MARINE PROTECTION, RESEARCH, AND SANCTUARIES ACT OF 1972

MAY 1, 1979 — Ordered to be printed

Mr. FUQUA, from the Committee on Science and Technology,
submitted the following

REPORT

To accompany H.R. 2519, which on Feb. 28, 1979, was jointly referred to the
Committees on Merchant Marine and Fisheries and Science and Technology]

[Including cost estimate of the Congressional Budget Office]

The Committee on Science and Technology, to whom was referred
the Bill (H.R. 2519) to amend the Marine Protection, Research, and
Sanctuaries Act of 1972 to authorize appropriations to carry out the
provisions of such act for fiscal years 1979 and 1980, having considered
the same, report favorably thereon with amendments and recommend
that the bill do pass.

AMENDMENTS

The amendments are as follows:

On page 3, line 20, strike "\$7,500,000" and insert in lieu thereof
"\$5,080,000".

This amendment decreases the funds authorized for title II
ocean dumping research in fiscal year 1979.

On page 3, line 21, strike "\$9,000,000" and insert in lieu thereof
"\$9,864,000".

This amendment increases the funds authorized for title II
ocean dumping research activities in fiscal year 1980.

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I. PURPOSE OF THE BILL

The purpose of this legislation is to amend the Marine Protection, Research, and Sanctuaries Act of 1972 to authorize appropriations to carry out the provisions of such act for fiscal years 1979 and 1980, to transfer certain activities related to research on alternative methods of disposal, which are currently authorized to the Secretary of Commerce, to the Administrator of the Environmental Protection Agency, and to mandate the termination of all dumping of industrial wastes in the ocean by December 31, 1981.

II. COMMITTEE ACTIONS

H.R. 2519 was introduced on February 28, 1979, by Mr. Murphy of New York, with Mr. McCloskey, Mr. Studds, Mr. Pritchard, Mr. Breaux, Mr. Forsythe, Mr. Ambro, Mr. Wydler, and Mr. Walker as cosponsors, and was jointly referred to the Committees on Merchant Marine and Fisheries and Science and Technology. The bill, as introduced, is identical to H.R. 10661 as passed by the House on September 25, 1978 (but not by the Senate) (House Report 95-1145, Parts I and II).

Within the Science and Technology Committee, H.R. 2519 was further referred to the Natural Resources and Environment Subcommittee, which held hearings on March 7 and 8, 1979, to receive testimony from Administration witnesses representing the National Oceanic and Atmospheric Administration (NOAA), the Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers. Specifically, the subcommittee considered the progress and budget requests under title II of the act, and a transfer of responsibilities on research on ocean dumping alternatives from NOAA to EPA contained in section 3 of the bill. Subsequently, a quorum being present, the subcommittee considered, and unanimously ordered reported by a roll call vote, H.R. 2519 with an amendment. The full Committee on Science and Technology met on March 15, 1979, and adopted the subcommittee's recommendations with two amendments as follows:

The first amendment reduced the fiscal year 1979 authorization for Title II activities by \$2,420,000. This would bring the authorization level in conformance with the fiscal year 1979 appropriation of \$5,080,000.

The second amendment would result in a net increase of \$864,000 in the fiscal year 1980 authorization for Title II. However, this funding level represents a modest increase of \$376,000 over the President's request of \$9,488,000. The purposes of this amendment are to—

Add \$500,000 for the first year of a 5-year study of pollutants in the Hudson-Raritan estuary.

Add \$500,000 for passthrough funding from NOAA to the Environmental Protection Agency's Region II for research and development applied to urban rainwater runoff problems as they affect the New York Bight.

Decrease by \$624,000 the support for a program entitled "Ocean Use Planning and Assessment."

A quorum being present, the bill was ordered reported, as amended, by the Committee on Science and Technology by unanimous voice vote.

As ordered reported, the bill has two major provisions which relate to title II of the act:

(1) It authorizes \$5,080,000 and \$9,864,000, respectively, for fiscal years 1979 and 1980.

(2) It amends titles I and II of the act to transfer the authority to conduct research, development, and training on alternatives to ocean dumping from the Secretary of Commerce to the EPA Administrator. This provision was included previously in H.R. 10661, as passed by the House last year.

III. BACKGROUND AND NEED FOR THE LEGISLATION

INTRODUCTION

Although ocean dumping of mankind's wastes has occurred on a relatively small scale for many years, the rate at which wastes were dumped in the ocean tripled during the decade between the mid-1950's to the mid-1960's. This increase could be ascribed to a number of factors, including the increasing amounts of wastes being produced, the increasingly stringent controls of waste discharges into the atmosphere and inland waters, and the corresponding lack of regulation of ocean dumping. In addition, little, if any, data existed on what was being dumped in the oceans, in what quantities, where, and with what environmental consequences.

In response to this critical situation, the dumping of waste materials into the oceans was regulated under two acts: The Federal Water Pollution Control Act Amendments of 1972, which cover discharges of non-dredged materials from land-based outfall pipes, and of dredged or fill material into navigable waters (which include inland waters and the territorial seas) and the Marine Protection, Research, and Sanctuaries Act of 1972, which covers the dumping of waste materials from vessels or barges into ocean waters (beyond the territorial seas).

Title I of the Marine Protection, Research, and Sanctuaries Act, commonly referred to as the Ocean Dumping Act, provides for the regulation through permits issued by the Environmental Protection Agency of all dumping of waste materials in ocean waters, with the exception of dredged materials. EPA conducts research in support of these regulatory activities, mainly with funding obtained under other legislation.

Title II of the act establishes the following programs within the Department of Commerce: a comprehensive monitoring and research program on the effects of dumping materials into ocean waters, coastal waters, and the Great Lakes (Sec. 201); a research program on the long-range effects of pollution, over-fishing, and man-induced changes of ocean ecosystems (Sec. 202); and a research, demonstration and training program to determine means to minimize and end ocean dumping of harmful materials (Sec. 203). This last section has been interpreted to include research on alternatives to ocean dumping.

In 1977, the act was amended to mandate the end of the ocean dumping of sewage sludge no later than December 31, 1981. (Public Law 95-153). This action put additional emphasis on the need to develop sound alternatives to ocean dumping of wastes.

H.R. 10661, a bill to reauthorize the Marine Protection, Research, and Sanctuaries Act for fiscal years 1979 and 1980, was passed by the House on September 25, 1978. However, due to jurisdictional disputes in the Senate over title II, the bill was not passed by the Senate. H.R. 2519, as introduced, is identical to H.R. 10661 as passed by the House in the 95th Congress.

CURRENT STATUS

Since enactment of the Ocean Dumping Act, there has been a dramatic decrease in ocean dumping of industrial waste and construction and demolition debris, largely as a result of EPA's effort to phase out dumping of unacceptable wastes. (See table 1) The slight increase in dumped sewage sludge may largely be attributed to the improvement of wastewater treatment methods, which results in the production of more sludge. In 1977, nearly 70 percent of the total non-dredged materials dumped in the ocean was sewage sludge from the north-eastern coastal area.

TABLE 1.—OCEAN DUMPING (WASTE TYPE), 1973-77

	[In approximate tons]				
	1973	1974	1975	1976	1977
Industrial waste.....	5,050,800	4,579,700	3,441,900	2,733,500	1,843,800
Sewage sludge.....	4,898,900	5,010,000	5,039,600	5,270,900	5,134,000
Construction and demolition debris.....	973,700	770,400	395,900	314,600	379,000
Solid waste.....	240	200	0	0	<100
Explosives.....	0	0	0	0	0
Incinerated (wood).....	10,800	15,800	6,200	8,700	15,100
Incinerated (chemicals).....	0	12,300	4,100	0	29,700
Total.....	10,934,440	10,388,400	8,887,700	8,327,700	7,401,600

NOAA has conducted a significant ocean dumping research and monitoring program, through studies of dredged material and sewage sludge dumping in shallow ocean waters, investigations of selected dumpsites, and studies of the long-term effects of hazardous materials in the marine environment. However, NOAA has taken the position that research regarding alternatives to ocean dumping is not appropriate to the NOAA mission and has never requested funding under this section. Traditionally, EPA has performed research on these alternatives, which include incineration, pyrolysis (or starved-air combustion), composting, land disposal, waste recycling, and changes in industrial processes.

IV. COMMITTEE RECOMMENDATIONS

1. GENERAL VIEWS

The committee is deeply concerned with the health and environmental aspects of ocean dumping and believes that sufficient funding authorization must be provided in order to assure that a vigorous research and monitoring program is conducted. It is of particular importance to have an adequate information base to support future decisions relating to the protection and sound management of the oceans.

At the same time, it is necessary to demonstrate that these decisions can be implemented. For example, many State and local governmental authorities are faced with pressing environmental problems. Typically, however, they lack the specialized scientific expertise to effectively address those problems. Federal agencies such as the Environmental Protection Agency and NOAA have considerable scientific talent and resources available but must give first priority to much broader problems of national significance. The committee would like to see means developed by which this Federal expertise could be applied to a solution of problems facing municipalities and States or local governmental agencies. One means envisioned by the committee would be the encouragement of State and local input to Federal research planning to assure recognition of these problems. Another means might be some form of cost-sharing between local authorities and the Federal Government. For example, a State government might be able to share the cost of a research grant to a university to study the possible alternatives to ocean sludge disposal. Although many details would have to be worked out, the committee would like to see this and other mechanisms explored as a means of helping State and local governments cope with environmental problems that are beyond their capabilities.

2. SEC. 203 TRANSFER FROM TITLE II TO TITLE I

The Committee on Science and Technology has determined that the research currently authorized by section 203 of the act is more appropriately conducted by the Environmental Protection Agency than by the National Oceanic and Atmospheric Administration, since, with the exception of ocean incineration, disposal methods alternative to ocean dumping are, by definition, land-based. Since EPA is the lead Federal agency for research, development and demonstration of environmentally sound waste disposal methods, the committee adopted language which would accomplish this transfer of responsibility. This transfer was fully endorsed by both NOAA and EPA during the hearings.

In its consideration of H.R. 10661 during the 95th Congress, the committee determined that the funding authorization in title I of the act should be increased by \$2 million per year to insure that EPA conduct a vigorous R., D. & D. program on waste disposal alternatives. These increases were subsequently approved by the House, and are reflected in H.R. 2519. The committee once again strongly supports these title I R., D. & D. funding levels and further recommends that EPA utilize them for development and full-scale demonstration of innovative waste disposal techniques.

3. TITLE II AUTHORIZATION LEVELS

H.R. 2519, as introduced, called for an authorization of \$7.5 million for fiscal year 1979 and \$9.0 million for fiscal year 1980 for research and monitoring on the effects of ocean dumping. The Committee on Science and Technology adopted amendments to provide an authorization of \$5,080,000 for fiscal year 1979 and \$9,864,000 for fiscal year 1980.

After full and comprehensive review of the administration budget for fiscal year 1979, the Committee on Science and Technology has determined that funding constraints and the lapse of time have materially changed the need for authorization in the current year. The committee has received assurances from the National Oceanic and Atmospheric Administration that NOAA does not require authorization in excess of the \$5.08 million appropriated last year for conducting Title II activities during fiscal year 1979. The committee has therefore provided that amount of authorization, which represents a reduction of \$2.42 million from H.R. 2519 as filed.

During hearings by the Subcommittee on Natural Resources and Environment, NOAA witnesses presented a generally well-balanced research program which the committee supports. The committee has made three adjustments to the overall program as proposed.

The first adjustment is directed at the proposal contained in the fiscal year 1980 budget submission for an Ocean Use Planning and Assessment program to be funded at \$1,624,000 compared to a fiscal year 1979 base of about \$520,000. While there is no question that this is a worthy and justified effort, there is considerable hesitancy on the part of the committee with respect to providing an increase of over 200 percent for a relatively new and untested program over which no oversight has been conducted. The program is designed to coordinate existing data and information on the ocean and to demonstrate appropriate methods of application. The committee fully supports this concept and believes that if it can be successfully demonstrated with initial funding of \$1,000,000 during fiscal year 1980, additional funds will be made available in future years to complete the program. In the interim, the committee believes that it would be an unwise fiscal decision to provide full funding authorization in the absence of sufficient historical data to ensure that the program will succeed.

The second adjustment made by the committee is the addition of \$500,000 to commence a five-year study of the Hudson-Raritan estuary. The Hudson-Raritan estuary may be defined as the estuarine portions of the Hudson and Raritan Rivers, plus all of New York Harbor, including the regions of estuarine exchange between western Long Island Sound and the New York Bight. Some 300 square miles are included in this area, which is bordered by the five boroughs of the city of New York and the heavily industrialized and urbanized areas of New Jersey and Connecticut.

During the NOAA budget review hearings, the Subcommittee learned that the Marine Ecosystems Analysis (MESA) research program in the New York Bight was being phased down due to completion of the field component. This was reflected in a decrease of \$1.8 million (from a FY 1979 base of \$3.0 million) in the President's FY 1980 request for MESA. The Hudson-Raritan estuary study will complement the MESA program, which has indicated that the major sources of pollutants in the Bight are the Hudson and Raritan rivers. In addition, the study will utilize the research structure and expertise developed during the MESA program.

The Hudson-Raritan estuary is seriously degraded, as a result of the disposal or release of industrial and domestic wastes from the surrounding population. The Hudson-Raritan project would monitor and evaluate the human health and environmental effects of key pollutants in the estuary and develop information concerning the poten-

tial of rehabilitating the Estuary under various waste management options.

The third change proposed by the Committee on Science and Technology is the inclusion of \$500,000 in authorization in fiscal year 1980 which the committee proposes for passthrough funding to the U.S. Environmental Protection Agency Region II Office. It is the intention of the committee that the \$500,000 be used to fund a concentrated study of wet weather technology research and development. This funding is expected to provide a comprehensive evaluation of both combined sewer overflows and storm sewer discharges in the Hudson and Raritan Valleys. At present, large scale problem assessments in these areas are nearing completion by the Environmental Protection Agency. Simultaneously, combined sewer remedial decisions involving large sums of money are being made. A special research and development effort is expected to produce complementary results and to act as the connecting link between problem assessments and remedial sewer decisions.

The storm and combined sewer program located at Edison, New Jersey, is in a unique position to give meaningful assistance to the remedial sewer projects. A project completed approximately one year ago in Elizabeth, New Jersey and another in New York City have indicated that the area of most profitable technology development and application for the abatement of urban wastewater runoff pollution is in the design of improved catch basins and strainers coupled with improved maintenance schedules for storm water sewer systems. It is evident that such a coupled effort would lead to significant improvements in the efficiency of combined sewer collection and transport systems.

It is the desire of the committee that this study be commenced as rapidly as possible with the aim of substantially reducing the amount of floatables and solids entering the Bight area as a result of rainwater runoff from the New York metropolitan area. The committee directs the National Oceanic and Atmospheric Administration to provide passthrough funding to the Environmental Protection Agency Region II Office to conduct this research.

4. MARINE SANCTUARIES

Title III of the act authorizes the Secretary of Commerce to establish a system of marine sanctuaries in accordance with provisions contained in the act. The bill, as introduced, contained an authorization of \$2 million for fiscal year 1979 and \$3 million for fiscal year 1980. These activities were not addressed by the Committee on Science and Technology.

5. PROPOSED WEATHER STATION CLOSURES

During the discussion in full committee regarding support provided by the National Oceanic and Atmospheric Administration in ocean dumping activities, deep concern was evidenced by many members of the committee about the proposal contained in the fiscal year 1980 budget submission to the Congress to close 22 weather stations located around the United States for a savings of \$689,000. Last year, the Congress overwhelmingly disapproved a similar request

to close 19 of a total of 243 weather stations around the country for a savings of \$1.7 million. In addition, NOAA was encouraged to investigate more efficient means of providing weather services at these stations. To date, no such study has been completed. Since little, if any, additional justification for this year's proposal has been provided, the committee directs the Secretary of Commerce to take no further steps to close any of the 22 stations proposed for closure and further directs that all 22 stations be maintained at not less than their current level of effort.

V. SUMMARY OF THE AMENDED BILL

Section 1 amends the Marine Protection, Research, and Sanctuaries Act of 1972 to authorize appropriations to carry out provisions of such act for fiscal years 1979 and 1980. Section 1 authorizes \$6,800,000 for fiscal year 1979 and \$7,800,000 for fiscal year 1980 for the Environmental Protection Agency to operate the ocean dumping permit program and for regulatory activities carried out by the Environmental Protection Agency.

Section 2 transfers from the National Oceanic and Atmospheric Administration to the Environmental Protection Agency the authority to conduct research into alternative methods of disposal to replace ocean dumping.

Section 3 authorizes the appropriation of funds for fiscal year 1979 and 1980 to the National Oceanic and Atmospheric Administration to conduct ocean dumping research under the Marine Protection, Research, and Sanctuaries Act of 1972. Funding is authorized at the level of \$5,080,000 for fiscal year 1979 and \$9,864,000 for fiscal year 1980.

The Committee has specified that \$500,000 be provided for the first year of a five-year study of the Hudson-Raritan estuary.

The committee has further specified that \$500,000 provided in fiscal 1980 authorization be passthrough funding to the Environmental Protection Agency Region II office for specific research on the problems of urban wastewater runoff as they impact the New York Bight area.

Sections 4 and 5 pertain to the Marine Sanctuaries Program and were not addressed by the Committee on Science and Technology.

VI. COST OF LEGISLATION

Pursuant to clause 7 of rule XIII of the Rules of the House of Representatives, the committee estimates that the cost of the legislation will be as follows: Fiscal year 1979, \$13.9 million; fiscal year 1980, total, \$20.7 million.

VII. OVERSIGHT FINDINGS AND RECOMMENDATIONS

No oversight findings and recommendations pursuant to clause 2(1)(3)(A), rule XI, by the Committee on Science and Technology under the authority of rule X, clause 2(b)(1) and clause 3(f), of the Rules of the House of Representatives, have been prepared since the convening of the 96th Congress.

VIII. CONGRESSIONAL BUDGET ACT INFORMATION

This bill provides for new authorization rather than new budget authority and consequently the provisions of section 308(a) of the Congressional Budget Act of 1974 are not applicable. No authorization for state or local financial assistance is included in the bill.

IX. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: H.R. 2519.

2. Bill title: A bill to amend the Marine Protection, Research, and Sanctuaries Act of 1972 to authorize appropriations to carry out the provisions of such Act for fiscal years 1979 and 1980, and for other purposes.

3. Bill status: As ordered reported by the House Committee on Science and Technology, March 15, 1979.

4. Bill purpose: The bill authorizes funds for programs to protect the ocean environment. It authorizes appropriations for 1979 and 1980 for the Environmental Protection Agency (EPA) to issue permits for ocean dumping and for the National Oceanic and Atmospheric Administration (NOAA) to carry out research on marine pollution and to establish marine sanctuaries.

For fiscal year 1979, \$1.5 million has been appropriated for the EPA permit program. This bill authorizes appropriations of \$6.8 million in 1979 and \$7.8 million in 1980. NOAA has received an appropriation of \$5.1 million for marine pollution research for 1979 and the President has requested \$9.5 million in 1980. The bill authorizes \$5.1 million for 1979 and \$9.9 million for 1980. The marine sanctuaries program received an appropriation of \$500,000 in 1979 and the President has requested \$3 million for 1980. The bill authorizes \$2 million for 1979 and the \$3 million requested by the President for 1980.

5. Cost estimate:

[By fiscal years; in millions of dollars]

	1979	1980	1981	1982	1983
Authorization level.....	13.9	20.7			
Less: Amount already appropriated.....	7.1				
Net additional authorization.....	6.8	20.7			
Estimated outlays.....	.5	20.2	6.8		

The costs of this bill fall within budget function 300.

6. Basis of estimate: The net additional authorization for fiscal year 1979 is the amount stated in the bill less the amounts already appropriated for fiscal year 1979 (\$1.5 million for the EPA permit program, \$5.1 million for marine pollution research, and \$0.5 million for marine sanctuaries). It is assumed that the additional amounts authorized for 1979 will be appropriated by midsummer, and the amounts authorized for 1980 will be appropriated before the beginning of fiscal year 1980.

The funds authorized for EPA to issue and monitor ocean dumping permits are expected to be used primarily for salaries and administration and to be spent out at about 90 percent the first year and 10 per-

cent the second, except that most of the additional authorization for 1979 will be spent in 1980.

It is expected that NOAA pollution research funds will be spent at a rate of 75 percent in the first year and the remainder in the second. This is based on the expectation that about 30 percent of the authorization is for salaries and spent out 90 percent in the first year, while the rest is for studies, to be spent out at a somewhat slower rate.

The sanctuaries program will experience some delay in spending the additional amount authorized for 1979. All of the amount authorized for 1979 will be spent in fiscal year 1980 but there will be a substantial carryover of 1980 funds into 1981.

7. Estimate comparison: None.
8. Previous CBO estimate: None.
9. Estimate prepared by: Susan Cirillo.
10. Estimate approved by:

JAMES L. BLUM,
Assistant Director for Budget Analysis.

X. EFFECT OF LEGISLATION ON INFLATION

In accordance with rule XI, clause 2(1)(4) of the Rules of the House of Representatives, this legislation is assessed to have no adverse inflationary effect on prices and costs in the operation of the national economy.

Expenditures to be made pursuant to this act will be in support of the ongoing regulatory efforts of the Environmental Protection Agency in the ocean dumping permit program and for the administration of the Marine Sanctuaries Program administered through the National Oceanic and Atmospheric Administration.

Further expenditures to be made pursuant to this act will be in support of basic and applied research conducted in government laboratories, in colleges, universities, and private industry under grants and contracts and by other governmental agencies through formal inter-agency agreements. Such activities are generally labor-intensive in scientific and technical fields whose manpower is not being fully utilized in current economic circumstances. Therefore, the funds provided under this bill will not contribute to competitive pressures for manpower and accordingly will not contribute to inflation.

The research and development program supported under this act produces useful scientific information and the most cost-effective technologies in furtherance of marine environmental protection. In the long run it is expected that savings could occur by providing data which will lead to lessened environmental pollution in the marine environment.

XI. CHANGES IN EXISTING LAW

In compliance with clause 3 of Rule XIII of the Rules of the House of Representatives, as amended, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be

omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

THE MARINE PROTECTION, RESEARCH, AND SANCTUARIES ACT OF 1972

(86 Stat. 1052, 16 U.S.C. 1431-1434; 33 U.S.C. 1401-1444)

SEC. 111. There are hereby authorized to be appropriated not to exceed \$3,600,000 for fiscal year 1973, not to exceed \$5,500,000 for each of the fiscal years 1974 and 1975, not to exceed \$5,300,000 for fiscal year 1976, not to exceed \$1,325,000 for the transition period (July 1 through September 30, 1976), not to exceed \$4,800,000 for fiscal year 1977, [and] not to exceed \$4,800,000 for fiscal year 1978, not to exceed \$6,800,000 for fiscal year 1979, and not to exceed \$7,800,000 for fiscal year 1980, for the purposes and administration of this title, and for succeeding fiscal years only such sums as the Congress may authorize by law.

SEC. 113. (a) *The Administrator shall—*

(1) *conduct research, investigations, experiments, training, demonstrations, surveys, and studies for the purpose of—*

(A) *determining means of minimizing or ending, as soon as possible after the date of the enactment of this section, the dumping into ocean waters or waters described in section 101(b) of material which may unreasonably degrade or endanger human health, welfare, amenities, or the marine environment, ecological systems, or economic potentialities, and*

(B) *developing disposal methods as alternatives to the dumping described in subparagraph (A); and*

(2) *encourage, cooperate with, promote the coordination of, and render financial and other assistance to appropriate public authorities, agencies, and institutions (whether Federal, State, interstate, or local) and appropriate private agencies, institutions, and individuals in the conduct of research and other activities described in paragraph (1).*

(b) *Nothing in this section shall be construed to affect in any way the December 31, 1981, termination date, established in section 4 of the Act of November 4, 1977 (Public Law 95-153), for the ocean dumping of sewage sludge.*

[SEC. 203. The Secretary of Commerce shall conduct and encourage, cooperate with, and render financial and other assistance to appropriate public (whether Federal, State, interstate, or local) authorities, agencies, and institutions, private agencies and institutions, and individuals in the conduct of, and to promote the coordination of, research, investigations, experiments, training, demonstrations, surveys, and studies for the purpose of determining means of minimizing or ending all dumping of materials within five years of the effective date of this Act.]

SEC. 204. There are authorized to be appropriated for the first fiscal year after this Act is enacted and for the next two fiscal years thereafter such sums as may be necessary to carry out this title, but the

sums appropriated for any such fiscal year may not exceed \$6,000,000. There are authorized to be appropriated not to exceed \$1,500,000 for the transition period (July 1 through September 30, 1976), not to exceed \$5,600,000 for fiscal year 1977, **[and]** not to exceed \$6,500,000 for **[fiscal year 1978.]** *fiscal year 1978, not to exceed \$5,080,000 for fiscal year 1979, and not to exceed \$9,864,000 for fiscal year 1980.*

(16 U.S.C. 1431-1434)

SEC. 301. Notwithstanding the provisions of subsection (h) of section 3 of this Act, the term "Secretary", when used in this title, means Secretary of Commerce. *The term "State", when used in this title, means any of the several States or any territory or possession of the United States which has a popularly elected Governor.*

SEC. 302. (a) The Secretary, after consultation with the Secretaries of State, Defense, the Interior, and Transportation, the Administrator, and the heads of other interested Federal agencies, and with the approval of the President, may designate as marine sanctuaries those areas of the ocean waters, as far seaward as the outer edge of the Continental Shelf, as defined in the Convention of the Continental Shelf (15 U.S.T. 74; TIAS 5578), of other coastal waters where the tide ebbs and flows, or of the Great Lakes and their connecting waters which he determines necessary for the purpose of preserving or restoring such areas for their conservation, recreational, ecological, or esthetic values. The consultation shall include an opportunity to review and comment on a specific proposed designation.

(b) Prior to designating a marine sanctuary which includes waters lying within the territorial limits of any State or superjacent to the subsoil and seabed within the seaward boundary of a coastal State, as that boundary is defined in section 2 of title I of the Act of May 22, 1953 (67 Stat 29), the Secretary shall consult with, and give due consideration to the views of, the responsible officials of the State involved. As to such waters, a designation under this section shall become effective sixty days after it is published, unless the Governor of any State involved shall, before the expiration of the sixty-day period, certify to the Secretary that the designation, **[or a specified portion thereof, is unacceptable to his State, in which case the designated sanctuary shall not include the area certified as unacceptable until such time as the Governor withdraws his certification of unacceptability.]** *or any of its terms described in subsection (f)(1), are unacceptable to his State, in which case those terms certified as unacceptable will not be effective in the affected State waters until the Governor withdraws his certification of unacceptability. If the Governor does so certify, the Secretary may withdraw the designation.*

[(f) After a marine sanctuary has been designated under this section, the Secretary, after consultation with other interested Federal agencies, shall issue necessary and reasonable regulations to control any activities permitted within the designated marine sanctuary, and no permit, license, or other authorization issued pursuant to any other authority shall be valid unless the Secretary shall certify that the permitted activity is consistent with the purposes of this title and can be carried out within the regulations promulgated under this section.]

(f)(1) *The terms of the designation shall include the geographical area included within the sanctuary, the characteristics of the area that give it conservation, recreational, ecological, or esthetic value; and the types of activities that will be subject to regulation by the Secretary in order to protect those characteristics. The terms of the designation may be modified only by the same procedures through which an original designation is made.*

(2) *The Secretary, after consultation with other interested Federal and State agencies, shall issue necessary and reasonable regulations to implement the terms of the designation and control the activities described in it, except that all permits, licenses, and other authorizations issued pursuant to any other authority shall be valid unless such regulations otherwise provide.*

(3) *The Secretary shall conduct such research, surveillance, and enforcement activities as are necessary and reasonable to carry out the purposes of this title.*

(4) *The Secretary may, whenever appropriate, utilize by agreement the personnel, services and facilities of other Federal departments, agencies, and instrumentalities, or State agencies or instrumentalities, whether on a reimbursable or a non-reimbursable basis in carrying out his responsibilities under this title.*

* * * * *

SEC. 304. There are authorized to be appropriated not to exceed \$10,000,000 for each of the fiscal years 1973, 1974, and 1975, not to exceed \$6,200,000 for fiscal year 1976, not to exceed \$1,550,000 for the transition period (July 1 through September 30, 1976), not to exceed \$500,000 for fiscal year 1977, [and] not to exceed \$500,000 for fiscal year 1978, not to exceed \$2,000,000 for fiscal year 1979, and not to exceed \$3,000,000 for fiscal year 1980 to carry out the provisions of this title, including the acquisition, development, and operation of marine sanctuaries designated under this title.

SECTION 4 OF PUBLIC LAW 95-153 (91 STAT. 1255)

SEC. 4. (a) The Administrator of the Environmental Protection Agency (hereinafter referred to in this section as the "Administrator") shall end the dumping of sewage sludge and industrial waste into ocean waters, or into waters described in section 101(b) of [Public Law 92-532,] the Marine Protection, Research, and Sanctuaries Act of 1972, as soon as possible after the date of enactment of this section but in no case may the Administrator issue any permit, or any renewal thereof (under title I of [the Marine Protection, Research, and Sanctuaries] such Act of 1972) which authorizes any such dumping after December 31, 1981.

[(b) For purposes of this section, the term "sewage sludge" means any solid, semisolid, or liquid waste generated by a municipal wastewater treatment plant the ocean dumping of which may unreasonably degrade or endanger human health, welfare, amenities, or the marine environment, ecological systems, or economic potentialities.]

(b) (1) *The term "sewage sludge" means any solid, semisolid, or liquid waste generated by a municipal wastewater treatment plant the ocean dumping of which may unreasonably degrade or endanger human health, welfare, amenities, or the marine environment, ecological systems, or economic potentialities.*

(2) *The term "industrial waste" means any solid, semisolid, or liquid waste generated by a manufacturing or processing plant the ocean dumping of which may unreasonably degrade or endanger human, welfare, amenities, or the marine environment, ecological systems, or economic potentialities.*

XII. COMMITTEE RECOMMENDATION ON ENACTMENT

A quorum being present, the Committee on Science and Technology favorably reported by unanimous voice vote the bill, H. R. 2519, with amendments, and recommends its enactment.

